

# Notice of Allowability

Application No.

10/757,018

Examiner

Joseph F. Edell

Applicant(s)

TARANTINO ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 13 June 2005.
2. ☒ The allowed claim(s) is/are 11-16.
3. ☒ The drawings filed on 14 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with L. and S. Tarantino on 18 August 2005.

The application has been amended as follows:

- a. claims 1-10 were canceled;
- b. new claims 11-16 were entered.

11. A modularly designed article of furniture comprising:

a first leg support portion consisting essentially of a plurality of slabs of the same length of ethylene vinyl acetate foam bonded to one another by adhesive lamination wherein each of the plurality of slabs of the first leg support portion includes a first horizontal support member with first and second ends and a first pair of vertical leg members downwardly projection from the first and second ends of the first horizontal support member,

a second leg support portion consisting essentially of a plurality of slabs of the same length of ethylene vinyl acetate foam bonded to one another by adhesive lamination wherein each of the plurality of slabs of the second leg support portion includes a second horizontal support member with first and

second ends and a second pair of vertical leg members downwardly projection from the first and second ends of the second horizontal support member,

a seating portion consisting essentially of a plurality of slabs of different lengths of ethylene vinyl acetate foam bonded to one another along their lengths by adhesive lamination to form a seating area such that the different lengths of the plurality of slabs form apertures extending through the seating area wherein the seat member has a first laterally extending edge bonded to the first leg support portion by adhesive lamination and a second laterally extending edge bonded to the second leg support portion, and

wherein the plurality of slabs of ethylene vinyl acetate foam of the first leg support portion, the second leg support portion, and the seating portion being of a density ranging from 35 to 45 kg/m<sup>3</sup> for supporting the weight of a seated user.

12. The modularly designed article of furniture of claim 11, wherein the plurality of slabs of ethylene vinyl acetate foam are formed to a specific size by die-cut or band saw then adhesively laminated and ground to a smooth finish.

13. The modularly designed article of furniture of claim 11, wherein a plurality of the modularly designed articles of furniture are capable of being stacked and interlocked with one another.

14. The modularly designed article of furniture of claim 11, wherein the plurality of slabs of ethylene vinyl acetate foam of the first leg support portion, the second leg support portion, and the seating portion being of alternating colors.

15. The modularly designed article of furniture of claim 11, wherein each of the plurality of slabs of ethylene vinyl acetate foam is a desired thickness based upon the scale of the article of furniture.

16. The modularly designed article of furniture of claim 11, wherein the plurality of slabs of ethylene vinyl acetate foam of the first leg support portion, the second leg support portion, and the seating portion include vertical extending portions forming a seatback.

The following is an examiner's statement of reasons for allowance: U.S. Patent No. 4,067,615 to Gehry teaches an article of furniture having a plurality of cardboard pieces bonded together to form leg supporting portions and a seating portion (see Fig. 2), as well as an article of furniture having a plurality of wood forming leg supporting portions that fasten to a plurality of plywood stringers forming a seating area wherein the stringers extend in a transverse direction and are bonded to the leg supporting portions along their width (see Fig. 1). U.S. Patent No. 3,743,353 to Lupinsky teaches an article of furniture having a plurality of L-shaped members fastened together to form leg supporting portions and a seating area (see Fig 3). U.S. Patent No. 5,971,165 to Levins teaches an article of furniture having slabs of ethylene vinyl acetate foam form support portions. The prior art alone or in combination fails to teach an article or furniture having first and second leg support portions consisting essentially of a plurality of slabs of the same length of ethylene vinyl acetate foam bonded to one another by

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adhesive lamination wherein each of the plurality of slabs of the first and second leg support portions include horizontal support members with first and second ends and pairs of vertical leg members downwardly projection from the first and second ends of each of the horizontal support members, a seating portion consisting essentially of a plurality of slabs of different lengths of ethylene vinyl acetate foam bonded to one another along their lengths by adhesive lamination to form a seating area such that the different lengths of the plurality of slabs form apertures extending through the seating area wherein the seat member has laterally extending edges bonded to the leg support portions by adhesive lamination wherein the plurality of slabs of ethylene vinyl acetate foam of the leg support portions and the seating portion being of a density ranging from 35 to 45 kg/m<sup>3</sup>.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

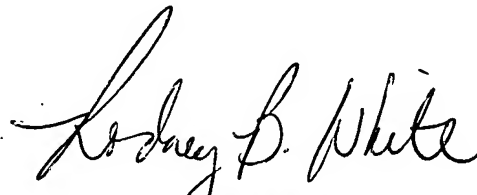
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE  
August 18, 2005



RODNEY B. WHITE  
PRIMARY EXAMINER